

REMARKS

This response is filed to place the above-referenced case in condition for immediate allowance. Applicant has amended the claims to more precisely claim the invention. Specifically, 5 claim 18, the only independent claim, has been amended to include an additional limitation, requiring the primary transmission mechanism and secondary transmission mechanism to be in different sections of the case. Claims 18-23 have also been amended to change the word piston to the word cylinder, 10 where appropriate, which is a more correct term in a technical sense.

Antecedent basis for the amendment to Claim 18 is found in the Specification, page 13, lines 14-18, and Figs. Claims 19, 15 20, 21, 22, 23 have been amended to claim the features of the invention using more precise and technically correct wording, without adding new limitations. Claims 33-35, dependent on claim 18, have been added to further claim unique features of the invention. Antecedent basis for Claim 33 appears in the 20 Specification, page 11, lines 15-19. Antecedent basis for Claim 34 appears in the Specification, page 11, line 21 - page 12, line 8. Antecedent basis for Claim 35 appears in the Specification, page 14, lines 17-23, and page 15, line 20 - page 16, line 5. No new matter has been added.

The Examiner has rejected claims 18 and 23 under 35 U.S.C. §102(b) as being anticipated by Monleone (U.S. #2,619,943). The Examiner has stated that Monleone teaches pistons 1,2 arranged
5 in two planes, an intermediate shaft 9, a primary transmission mechanism 10, secondary transmission mechanism 13 and crankshaft 14." The Examiner has deemed claims 19-22 allowable, which is acknowledged with appreciation.

10 35 U.S.C. § 102(b) states that "[a] person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United
15 States."

In applying § 102(b), MPEP § 706.02(a) instructs, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.
20 Any feature not directly taught must be inherently present."
MPEP §706.02(a), page 700-21.

Applicant respectfully traverses the § 102(b) rejection based upon Monleone because the reference does not teach every

aspect of applicant's claimed invention, as amended. Specifically, the Monleone reference does not teach "a secondary transmission mechanism connecting said intermediate shaft and said crankshaft, said secondary transmission mechanism being
5 housed in another one of said sections having a chamber, said chamber having an opening closed by a cover," as now claimed in claim 18. Also, the Monleone references does not teach a a piston-cylinder assembly having at least four cylinders and at least one case each of said cylinders having one piston, each
10 said cylinder and its said piston having a common axis, as now claimed in Claim 18.

A critical aspect of Applicant's invention, as can be seen in Figure 1 is that the primary transmission mechanism and the
15 secondary transmission mechanism are housed in two separate sections of the case. To that extent, applicant's Claim 18, as amended, requires "said secondary transmission mechanism being housed in another one of said sections having a chamber, said chamber having an opening closed by a cover." Such a disclosure
20 is not present in Monleone. In Monleone, as shown in Figures 1 and 2, it is clear that both of the transmission mechanism are housed in one and the same case.

It is respectfully submitted that no reasonable interpretation of the Monleone patent would anticipate applicant's invention as amended. The claims as amended should be allowable over any reasonable interpretation of Monleone.

5 Based on the aforementioned, applicant respectfully requests that the examiner's anticipation rejection under to 35 U.S.C. §102(b) in view of Monleone be withdrawn.

Claims 19-22 were found to be allowable by the Examiner previously, and they have only been slightly amended to use more precise and correct technical language in reference to the claimed invention. No substantive changes to claims 19-22 were made. Thus, claims 19-22 should be allowable.

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15 New dependent claims 33-35 have been added to further claim the unique features of the invention. The newly added dependent claims by definition contain all of the limitation of claim 18. Since the 102(b) rejection with respect to Monleone has been traversed, claims 33, 34, and 35 should also be allowable in

20 view of Monleone.

The Examiner has also made of record three additional references, without relying on them to make a rejection, namely, U.S. Patent 5,562,075 to Walsh, U.S. Patent 5,673,665 to Min-

Tac-Kim, U.S. Patent 5,934,243 to Kopystanski. The Applicant has reviewed these three references. Neither of these three references teaches nor suggests any of the claim limitations currently claimed by the Applicant. Furthermore, each one of these three references is farther away from the Applicant's invention than Monleone. Thus, if Applicant's invention is patentable over Monleone, it should certainly be patentable over any one of these references or over any combination of them.

10 **CONCLUSION**

When compared against the Applicant's claims, as amended, Monleone does not teach or suggest all of the elements claimed by the Applicant in amended claim 18. Accordingly, the 35 U.S.C. 102(b) rejection of Applicant's claims in view of this reference is not proper and should be withdrawn. It is now believed that this application has been placed in condition for allowance, and such action is respectfully requested.

20 If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant invites the Examiner to contact the Applicant at (323) 850-6928.

Respectfully submitted,
By:

5 Date: January 31, 2005

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